

DEPARTMENT OF ENVIRONMENTAL PROTECTION Monthly Enforcement Report for actions during February 2012

DISTRIBUTED: March 21, 2012

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Air:

Geneva Wood Fuels, LLC, Strong, Maine. Geneva Wood Fuels, LLC ("Geneva") violated provisions of its Department-issued air emission license by exceeding its license limit for the emission of particulate matter related to the facility's dryer process. To resolve the violation, Geneva agreed to limit its rate of production from the dryer process to a level that mathematically demonstrates compliance with its air emission license and within six months of the date of the Agreement either retest the dryer process or submit an application to change the particulate matter emission limit based on modeling analysis. In addition, Geneva paid \$700 as a civil monetary penalty.

Land:

Neil Casa, Sanford, Maine. Neil Casa ("Casa") violated Maine's *Natural Resources Protection Act* by filing a permit by rule notification form and not following permit by rule standards and by causing soil material to be removed within twenty-five feet of a great pond without first obtaining a permit from the Department. Specifically, Casa submitted a permit by rule application to replace a retaining wall approximately fourteen feet from the edge of Bauneg Beg Pond. An inspection conducted by Department staff revealed that the reconstructed retaining wall was extended below grade approximately two and one half feet, thereby exceeding the dimensions of the replaced structure which is prohibited by the Department's *Permit By Rule Standards*. Furthermore, soil material was removed from between the edge of the pond and the bottom of the new wall to establish a level area. To resolve the violations, Casa agreed to submit a restoration plan to the Department to restore the disturbed area between the pond and the wall to its pre-existing condition and stabilize the area with plants and other permanent erosion control measures. In addition, Casa paid \$1,523 as a civil monetary penalty.

Mining:

Harlan Black Construction, Inc., South Thomaston, Maine. Harlan Black Construction, Inc. ("Harlan Black Construction") violated Maine's *Performance Standards for Excavations* by: expanding a gravel pit by more than five acres since 1970 without first filing a "Notice of Intent to Comply" with the *Performance Standards for Excavations*; excavating gravel from below the seasonal high water table without first obtaining a variance from the Department; and operating a gravel pit that drains externally without first obtaining a variance from the Department. Following Department involvement, Harlan Black Construction informed the Department that it was ceasing removal of gravel at the subject property and was taking measures to reclaim the gravel pit. A subsequent inspection by Department staff determined that vegetative cover in the front section of the gravel pit did not meet the reclamation requirement of 90% ground cover as required by the *Performance Standards for Excavations*. The subject property was later sold. To resolve the violations, Harlan Black Construction paid \$6,700 as a civil monetary penalty.



DEPARTMENT OF ENVIRONMENTAL PROTECTION Monthly Enforcement Report for actions during February 2012

DISTRIBUTED: March 21, 2012

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or <u>peter.j.carney@maine.gov</u> for additional information regarding the activities listed in this report.

Water:

S.E. MacMillan Company, Inc., Augusta, Maine. S.E. MacMillan Company, Inc. ("S.E. MacMillan") violated a provision of Maine's *Pollution Control* laws by directly or indirectly discharging pollutants to waters of the State. Specifically, while conducting work on the Greater Augusta Water District sanitary sewer collection system, S.E. MacMillan: discharged extremely silt laden water to Bond Brook when an S.E. MacMillan employee pumped silt laden water to the brook while silt filter bags were being changed; caused the discharge of an estimated 25,965 gallons of untreated sanitary wastewater to Bond Brook when an S.E. MacMillan employee, while operating a backhoe, struck an overhead power line resulting in a loss of power to a nearby pump station causing wastewater to flow out a combined sewer overflow from the pump station to Bond Brook; and caused a discharge of an estimated 181,752 gallons of untreated sanitary wastewater directly to a floodplain wetland adjacent to Bond Brook when an S.E. MacMillan employee dragged a trench box over a sewer pipe causing the sewer line to break. Following Department involvement, S.E. MacMillan: increased site supervision with the primary focus on water discharge and erosion control; hired an outside consultant to provide employee training in methods for erosion control, water treatment, and water discharge; and installed a six inch pipe to carry discharge water to Mill Park where unused discharge basins are located. To resolve the violations, S.E. MacMillan paid \$17,924 as a civil monetary penalty.

District Court Enforcement Resolutions (party followed by location):

Land:

State of Maine, Department of Environmental Protection v. Craig Sproul, Southport, Maine. Pursuant to a Consent Decree and Order resolving the Department's complaint in this matter, Craig Sproul ("Sproul") stipulated to violating a provision of Maine's *Pollution Control* laws by directly or indirectly discharging or causing to be discharged a pollutant to waters of the state without first obtaining a permit from the Department. Specifically, Sproul failed to renew the license for an overboard discharge system for the discharge of 250 gallons per day of treated sanitary wastewater from two dwellings to Townsend Gut, Sheepscot River. Following expiration of the permit in 1994, Sproul continued to pay annual inspection fees and no water quality issues were cited by Department staff pursuant to annual Department inspections. To resolve the violation, Sproul agreed to submit a waste discharge license application to license the overboard discharge system, or if the application is not submitted or is denied, returned, or withdrawn, render the overboard discharge system permanently inoperable in accordance with Department rules. In addition, Sproul paid \$1,573 as a civil monetary penalty.